

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

**LEGISLATIVE COUNCIL
FIFTY-SIXTH PARLIAMENT
FIRST SESSION**

WRITTEN ADJOURNMENT RESPONSES

9, 10 and 11 June 2009

(Extract from book 8)

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By authority of the Victorian Government Printer

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Professor DAVID de KRETZER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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| | |
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| Cabinet Secretary | Mr A. G. Lupton, MP |

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Privileges Committee — Ms Darveniza, Mr D. Davis, Mr Drum, Mr Jennings, Ms Mikakos, Ms Pennicuik and Mr Rich-Phillips.

Select Committee on Train Services — Mr Atkinson, Mr Barber, Mr Drum, Ms Huppert, Mr Leane, Mr O'Donohue and Mr Viney.

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Standing Orders Committee — The President, Mr Dalla-Riva, Mr D. Davis, Mr Hall, Mr Lenders, Ms Pennicuik and Mr Viney.

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Rural and Regional Committee — (*Council*): Ms Darveniza, Mr Drum, Ms Lovell, Ms Tierney and Mr Vogels. (*Assembly*): Ms Marshall and Mr Northe.

Scrutiny of Acts and Regulations Committee — (*Council*): Mr Eideh, Mr O'Donohue, Mrs Peulich and Ms Pulford. (*Assembly*): Mr Brooks, Mr Carli, Mr Jasper, Mr Languiller and Mr R. Smith.

Heads of parliamentary departments

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Council — Clerk of the Legislative Council: Mr W. R. Tunnecliffe

Parliamentary Services — Secretary: Dr S. O'Kane

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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Deputy President: Mr BRUCE ATKINSON

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Mr GAVIN JENNINGS

Leader of the Opposition:

Mr DAVID DAVIS

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Ms WENDY LOVELL

Leader of The Nationals:

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Deputy Leader of The Nationals:

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|---------------------------------------|----------------------------|--------------|----------------------------------------|----------------------------|--------------|
| Atkinson, Mr Bruce Norman | Eastern Metropolitan | LP | Leane, Mr Shaun Leo | Eastern Metropolitan | ALP |
| Barber, Mr Gregory John | Northern Metropolitan | Greens | Lenders, Mr John | Southern Metropolitan | ALP |
| Broad, Ms Candy Celeste | Northern Victoria | ALP | Lovell, Ms Wendy Ann | Northern Victoria | LP |
| Coote, Mrs Andrea | Southern Metropolitan | LP | Madden, Hon. Justin Mark | Western Metropolitan | ALP |
| Dalla-Riva, Mr Richard Alex Gordon | Eastern Metropolitan | LP | Mikakos, Ms Jenny | Northern Metropolitan | ALP |
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| Davis, Mr David McLean | Southern Metropolitan | LP | Pakula, Hon. Martin Philip | Western Metropolitan | ALP |
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| Finn, Mr Bernard Thomas C. | Western Metropolitan | LP | Rich-Phillips, Mr Gordon Kenneth | South Eastern Metropolitan | LP |
| Guy, Mr Matthew Jason | Northern Metropolitan | LP | Scheffer, Mr Johan Emiel | Eastern Victoria | ALP |
| Hall, Mr Peter Ronald | Eastern Victoria | Nats | Smith, Hon. Robert Frederick | South Eastern Metropolitan | ALP |
| Hartland, Ms Colleen Mildred | Western Metropolitan | Greens | Somyurek, Mr Adem | South Eastern Metropolitan | ALP |
| Huppert, Ms Jennifer Sue ¹ | Southern Metropolitan | ALP | Tee, Mr Brian Lennox | Eastern Metropolitan | ALP |
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| Kavanagh, Mr Peter Damian | Western Victoria | DLP | Thornley, Mr Evan William ² | Southern Metropolitan | ALP |
| Koch, Mr David Frank | Western Victoria | LP | Tierney, Ms Gayle Anne | Western Victoria | ALP |
| Kronberg, Mrs Janice Susan | Eastern Metropolitan | LP | Viney, Mr Matthew Shaw | Eastern Victoria | ALP |
| | | | Vogels, Mr John Adrian | Western Victoria | LP |

¹ Appointed 3 February 2009

² Resigned 9 January 2009

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WRITTEN ADJOURNMENT RESPONSES

Responses have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.

Tuesday, 9 June 2009

Real estate agents: advertising

Raised with: Minister for Consumer Affairs

Raised by: Mr Barber

Raised on: 31 March 2009

REPLY:

I write in reply to the issue raised in your adjournment debate of 31 March 2009 concerning the advertising by an estate agent of a parcel of land offered for sale at 365 Flat Rock Road, Hurstbridge.

The estate agent advertised the property as being suitable for a broad range of building purposes subject to planning controls that limited its use. A recent decision by the local council highlighted the restrictions on the use of the land.

The relevant laws regarding the agent's conduct are the misleading and deceptive conduct provisions of the *Fair Trading Act 1999*, (the 'Act'), which is administered by Consumer Affairs Victoria (CAV). In the circumstances you describe, it may be misleading under the Act for a trader such as an estate agent to advertise a property without considering the overall impression of the representation made to buyers with regard to building on the land.

CAV has made enquiries and issued a written warning to the estate agency concerned regarding the potential breach of the Act for misleading or deceptive conduct.

Thank you for raising this matter with me.

Senior Victorians: consumer and legal rights

Raised with: Minister for Consumer Affairs

Raised by: Ms Darveniza

Raised on: 7 May 2009

REPLY:

Helping senior consumers is an increasingly important part of Consumer Affairs Victoria's (CAV) role. In the last few years, we have seen the introduction of owners corporations legislation, the growth of retirement village living and the acceptance of reverse mortgages as a credit option. All these are areas where CAV can assist seniors to understand and exercise their consumer rights.

CAV provides free presentations to seniors' groups and community organisations throughout metropolitan Melbourne and regional Victoria, with the aim of ensuring seniors are well informed and can get advice about the issues that affect them.

CAV has also made some of its most popular consumer guides available in large print and audio format, making them more accessible for many seniors. There is also a dedicated 'Senior Consumers' section on the CAV website.

In addition, CAV provides funding to two seniors' support and advocacy groups: the Housing for the Aged Action Group and Residents of Retirement Villages Victoria.

WRITTEN ADJOURNMENT RESPONSES

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COUNCIL

Tuesday, 9 June 2009

CAV can be contacted on 1300 55 81 81 from anywhere in Victoria for the cost of a local call. Requests from seniors groups and community organisations for information guides, website guidance and schedules of free presentations would be welcomed.

WRITTEN ADJOURNMENT RESPONSES

Responses have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.

Wednesday, 10 June 2009

Racing: alternate breeds

Raised with: Minister for Racing

Raised by: Mr Kavanagh

Raised on: 26 February 2009

REPLY:

I can confirm that properly constituted Arabian and sprint horse racing organisations are currently able to apply, under section 19 of the Racing Act 1958, for consent to conduct racing as part of a mixed sports gathering. I understand that the Victorian Arabian Jockey Club (VAJC) is also keen to pursue racing as part of a thoroughbred racing program conducted by Racing Victoria Limited (RVL). As you mentioned RVL has sought clarity from the Government in relation to its potential liability towards participants in such events.

The Government has encouraged RVL and the VAJC to make a joint submission as part of the Hanks Review of the Accident Compensation Act and I have been advised that the matter will be considered by the Government in the context of that review.

Sprint racing, also known as quarter horse racing is currently being conducted through the Victorian Racing Quarter Horse Association (VRQHA) under a series of Mixed Sports Gathering Consents.

In response to the 2000 review of Victorian racing and betting legislation the Government agreed to consider approval of other codes of racing provided they have an adequately constituted controlling body, rules of racing and integrity assurance architecture. The Government indicated at that time that assessment would be via trial race meetings conducted under Mixed Sports Gathering consents.

I have been advised by my department that the VRQHA has received consent under section 19 of the Racing Act 1958 to conduct nine race meetings in the current racing season. In relation to Arabian racing I have been advised that the VAJC has not sought approval for a mixed sports gathering permit to conduct racing since 2004 and that its last race meeting was held in 2002.

Thank you for raising this matter with me.

WRITTEN ADJOURNMENT RESPONSES

Responses have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.

Thursday, 11 June 2009

Lake Connearre: environmental management

Raised with: Minister for Environment and Climate Change

Raised by: Mr Koch

Raised on: 6 May 2009

REPLY:

Parks Victoria has taken on a lead role in working with state and local agencies to improve the condition of Lake Connearre and chairs the steering committee comprising multiple agencies and land-holders.

A RAMSAR project manager has recently been appointed to co-ordinate the delivery of on-ground works, including pest and animal control, across the Port Phillip (Western Shoreline) and Bellarine Peninsula RAMSAR site, which includes the Lake Connearre Complex. This project manager will seek to engage the community in protecting and improving the values of Lake Connearre.

Both the Department of Sustainability and Environment and Port Phillip Catchment Management Authority (CMA) have contributed significant funds towards this role and a range of actions to protect this internationally significant RAMSAR site. Significant state and federal funding has also been sourced.

The water quality of the Lake Connearre is directly affected by downstream movement of tidal water and also freshwater input from Barwon River and local drainage. The Corangamite Catchment Management Authority has recently completed the Lake Connearre Values Project. As part of this project, more of the science behind the biological and hydrological values will now be examined to determine whether interventions may be required and assess options to protect and improve the health of the lake's natural systems.

Parks Victoria intends to review the current management plan for Lake Connearre. However, the intention is to commence this process once the Values Project and the extensive community consultation process for the proposed Barwon River Parklands have been finalised.

I understand that Parks Victoria has arranged to meet you in the near future to provide detail to questions that relate to Lake Connearre.

Sale Common State Game Refuge: walking track

Raised with: Minister for Environment and Climate Change

Raised by: Mr P. Davis

Raised on: 7 May 2009

REPLY:

I would like to clear up any misinformation you may have received regarding the bridge replacement as part of the Sale Wetlands Heritage Walk.

It was never proposed that the project management for the bridge replacement rest with the Sale Rotary Club, nor was the earlier constructed bridge the incorrect size.

The major flooding event in November 2007 caused substantial damage and resulted in the need for replacement of existing bridge. It was determined by engineers that a single-span steel structure would be more suitable than a 'like for like' replacement wooden facility similar to those being constructed in less vulnerable areas as part of the Heritage Walk.

The cost of construction is appropriate for such a structure, and most of this cost has been covered through an insurance claim and not from flood recovery funding. An insurance claim was lodged in December 2007, and the tender process for construction of the bridge was initiated by Parks Victoria, as project manager for the bridge, as soon as this claim was supported.

It is important to note that, throughout the conceptual development of Stage 2 of the Sale Wetlands Heritage Walk, the bridge was not intended to form part of part of the walk alignment. The final alignment of the walk was only determined in December 2008, when a decision to include the bridge in the walk route was agreed between the partners in the project: Sale Rotary Club, Wellington Shire Council and Parks Victoria. To facilitate this Parks Victoria has worked with its contractors to amend the design and placement to link the asset into the walk.

Although 2009 has, so far, been a very challenging year for all agencies involved in wildfire suppression and recovery, involving the shifting of considerable resources, the bridge replacement project is nearing completion. The steel bridge structure has now been fabricated off-site, and footings and other on ground works are being completed. Finalisation of the project has tentatively been set for the end of this month, subject to weather conditions.

I would also like to add that, over the course of the Heritage Walk project, Parks Victoria has supported the Shire and Rotary Club in planning and delivery, in particular assisting in ensuring that any planning and design issues were addressed and resolved.

Aura Vale Lake: management

Raised with: Minister for Environment and Climate Change

Raised by: Mr O'Donohue

Raised on: 7 May 2009

REPLY:

I can confirm that Parks Victoria will continue to have management responsibility for Aura Vale Lake Park, as part of a broader metropolitan reservoir parks lease recently signed with Melbourne Water. There are no plans to close Aura Vale Lake Park to the public.

There are considerations that need to be taken into account in the ongoing recreational management and promotion of Aura Vale Lake Park. The water that fills the lake is sourced from the local catchment which includes a number of roads and private houses. You may be aware that due to poor water quality and varying levels of E.coli and other forms of algae, the lake has been closed for safety reasons from time to time. This may also need to occur into the future.

Parks Victoria has been investing resources into improving the facilities and access to the water nearby at Lysterfield Lake Park, which is only ten minutes drive from Aura Vale Lake. Although Aura Vale Lake will remain open to the public, Parks Victoria will continue to promote Lysterfield Lake Park as the key venue in the area for lake activities.